
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

DAVID JAMES,

Plaintiff,

v.

JACOB CARLEY; TIMOTHY ALBERT
RAMIREZ; DUSTIN BATT; DANIEL
MAJOR; AND JOHN DOES 1-10,

Defendants.

**ORDER GRANTING MOTION FOR
WITHDRAWAL OF COUNSEL
(DOC. NO. 17)**

Case No. 1:22-cv-00060

District Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

Attorney Angela H. Elmore of Utah Legal Clinic moves to withdraw as counsel for Plaintiff David James.¹ Counsel seeks withdrawal due to a breakdown in the attorney-client relationship.² The motion contains certification that Mr. James has been served with a copy of the motion to withdraw and a description of the status of the case. Mr. James filed a response opposing the withdrawal.³

Having reviewed the motion and Mr. James' response, the court finds good cause for counsel's withdrawal⁴ based on Ms. Elmore's representations as to the severity of the breakdown

¹ (Doc. No. 17.)

² (*Id.* at 4.)

³ (Doc. No. 19.)

⁴ See DUCivR 83-1.4(c)(2) ("No attorney of record will be permitted to withdraw after an action has been set for trial unless . . . (iii) good cause for withdrawal is shown, including without limitation, with respect to any scheduling order then in effect.").

of the attorney-client relationship. Additionally, any prejudice to Mr. James is mitigated where he indicates he is actively seeking new counsel, trial is set nearly seventeen months from now, the case is in the early stages of discovery,⁵ and the case will be stayed for twenty-one days from the date of this order giving Mr. James time to secure new representation.

Accordingly, the motion is GRANTED, and attorney Angela H. Elmore is withdrawn as counsel for Mr. James. The court ORDERS as follows:

1. The above listed attorney may withdraw and is hereby removed as counsel for Mr. James.
2. New counsel shall file a notice of appearance on behalf of Mr. James, or Mr. James must file a notice of pro se appearance within twenty-one (21) days after the entry of this order.
3. A party who fails to file a notice of appearance as set forth above may be subject to sanction pursuant to Federal Rule of Civil Procedure 16(f)(1), including but not limited to dismissal or default judgment.
4. This action is stayed until twenty-one (21) days after entry of this order.

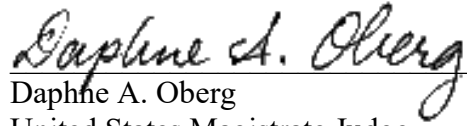
⁵ (See Scheduling Order, Doc. No. 14.) Fact discovery is set to close on July 30, 2023. (*Id.*)

NOTICE TO PARTIES

The court will cause this order to be sent to Mr. James at the physical address and email address set forth in the motion to withdraw, and to all other parties.

DATED this 23rd day of February, 2023.

BY THE COURT:



Daphne A. Oberg
United States Magistrate Judge